

REMARKS

This paper is herewith filed in response to the Examiner's final Office Action mailed on December 3, 2008 for the above-captioned U.S. Patent Application. This office action is a final rejection of claims 45-49, and 55-57 of the application. Further, this office action indicates that claims 51-54 and 58-59 are withdrawn from consideration.

Although the Applicants do not impliedly or expressly agree with the withdrawal from consideration by the Examiner, claims 51-54 and 58-59 have been cancelled without prejudice or disclaimer. Further, it is noted that in addition to this Response, the Applicants are filing a Divisional Application to maintain the pendency of at least the cancelled claims.

With regards to the rejections, the Examiner has rejected claims 55-57 under 35 USC 102(e) as anticipated by Liu (US20040176065); rejected claim 46 under 35 USC 103(a) as being unpatentable over Liu in view of Shteyn (US20030040344); and rejected claims 47-49 under 35 USC 103(a) as being unpatentable over Liu in view of Cadieux (US20060030307). The Applicants respectfully disagree with the rejections.

According to the rejection, independent claim 55 is rejected as anticipated by Liu. The Applicants submit that Liu clearly can not be seen to anticipate claim 55 and the rejection is in error.

Claim 55 recites:

An apparatus comprising: a receiver and transmitter configured to communicate in a short range radio network; an interface to the short range radio network, the interface comprising a graphical user interface comprising a bit map which is configured to be sent to a second apparatus; and a control unit configured to control an activity state of the short range radio network in accordance with an activity state of a user interface of the second apparatus.

It is noted that the Examiner cites paragraphs [0015], and [0018] to [0023] in Liu, however it is not clear, from the rejection, which specific language in the cited paragraphs of Liu are intended to support this alleged anticipation rejection.

As cited, Liu discloses:

“The wireless accessory 102 includes a transceiver 112 therein coupled to one or more antennas 114. The transceiver is adapted to input and output information. A connectivity interface 113 is coupled to the transceiver. The interface 113 transceives information between the accessory device and the personal area network. The radiotelephone is controlled by a processor 116 [...] The processor 116 can be a microprocessor, microcontroller, DSP, combination of both, or other similar control circuit. [...] A user interface 120 is coupled to the processor to provide and receive user information and control. **The user interface can include a display, several buttons or a keypad, a microphone and a speaker or earpiece,**” (emphasis added), (par. [0018]); and

“The processor 116 controls the functions of the accessory 102. The processor 116 operates in response to stored programs of instructions, and can load such stored programs as needed to provide a particular function of the accessory 102. **Optionally, to save some processing in the accessory, information can be downloaded from the accessory 102 to the device 104 for more complex processing and the results conveyed back to the accessory 102.** The processor is responsible to direct communication on the local area network as previously described, and is adapted to operate in conjunction with the low power and full power operational modes of the accessory device, in accordance with the present invention,” (emphasis added), (par. [0020]).

The Applicants submit that the, apparently most relevant, paragraphs cited in the rejection appear to relate to a wireless accessory 102 which can comprise a display. According to Liu some accessory information can be downloaded from the wireless accessory 102 for more complex processing and the results conveyed back to the accessory 102. The Applicants submit that the basis of the anticipation rejection is unclear. Although, as cited, Liu appears to disclose that “accessory information can be downloaded from the accessory 102” there can not be found any disclosure in Liu which can be seen to anticipate claim 55 which relates, in part, to a bit map which is configured to be sent to another device. Further, the Applicants can not find, in all of Liu, where it is disclosed or suggested an interface to a short range radio network, the interface comprising a graphical user interface comprising a bit map which is configured to be sent to a second apparatus, as in claim 55.

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Moreover, the Applicants respectfully submit that a 35 USC 102 rejection requires that the cited art **disclose to the specificity of the rejected claim**; Verve, LLC v. Crane Cams, Inc., 311 F.3d 1116, 1120, 65 USPQ2d 1051 (Fed. Cir. 2002) (“**A single reference must describe the claimed invention with sufficient precision and detail to establish that the subject matter existed in the prior art**”). It is axiomatic that a 35 USC 102(e) rejection requires strict identity with every claim element. This is not seen to be the case in the rejections.

The Applicants contend that Liu can not be seen to anticipate claim 55, as indicated in the rejection. The rejection of claim 55 is seen to be improper and the rejection should be removed.

In addition, regarding the obviousness rejection of claim 46 the Applicants disagree with the rejection.

Claim 46 recites:

The apparatus of claim 55, wherein said activity state of the interface of the second apparatus is defined by the state of at least one of the following in the second apparatus: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the apparatus.

In the rejection the Examiner states:

“Liu does not mention wherein said activity state of the user interface utilization is defined by the state of at least one of the following in the second device: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the device.

However, Shteyn et al. discloses an activity state of the user interface utilization is defined by the state of at least one of the following in the second device: the lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the device (see par. 0016; headset 104 has additional UI or control features for control the cellphone. For example, the

headset has circuitry to provide colored LEDs). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teaching of Shteyn et al. to the device of Liu in order to reduce unnecessary current consumption and prevent the outflow of a user profile through the screen.”

The Applicants note that the Examiner admits that neither Liu nor Shteyn discloses or suggests the features of claim 46. However, the rejection appears to impute that the headset, with colored LEDs of Shteyn, somehow suggests the limitations of claim 46. The Applicants submit that the headset LEDs of Shteyn can not be seen to disclose or suggest any of the “lock state of a lockable keypad, the lock state of a lockable touch sensitive display, the state of a screensaver, the lock state of a lockable screensaver and the state of a lid or an opening mechanism of the apparatus” as expressly stated in claim 46. Further, the Applicants submit that the colored LEDs of the headset in Shteyn are not seen to be related to a graphical user interface. Although the Applicants do not agree that a combination of Liu and Shteyn is proper, the Applicants contend that, for at least the reasons already stated, such a combination still can not be seen to disclose or suggest claim 46. Thus, the rejection of claim 46 is seen to be improper and the rejection should be removed.

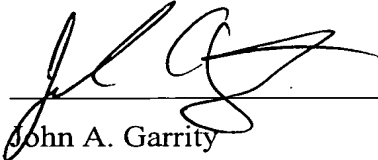
Further, for at least the reason of their dependencies to claim 55, the references cited are not seen to disclose or suggest claims 56-57 and 45-49. Thus, the rejections of these claims should be removed.

In addition, the Applicants note that although not all the rejections are argued in this Response, the Applicants do not acquiesce to these rejections.

The Applicants respectfully request, for at least the reasons stated, that the Examiner remove the finality of the Office Action and provide a non-final Office Action or Allowance. Should any unresolved issue remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

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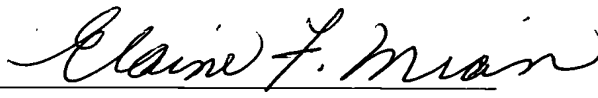
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1/26/2009
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